

# Order

Michigan Supreme Court  
Lansing, Michigan

October 26, 2009

Marilyn Kelly,  
Chief Justice

138602 & (15)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

CATHERINE WILCOX, individually, and as  
Next Friend of ISAAC WILCOX, a minor,  
Plaintiffs-Appellants,

and

SUNRISE HOME HEALTH SERVICES, INC.,  
Intervening Plaintiff,

v

SC: 138602  
COA: 290515  
Kent CC: 08-010129-NF

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,  
Defendant-Appellee.

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On order of the Court, the motion for leave to file brief amicus curiae is GRANTED. Because the Court of Appeals has issued its July 1, 2009 order in this case, the application for leave to appeal prior to decision by the Court of Appeals is treated as an application for leave to appeal from that decision. The application is considered and, it appearing to this Court that the case of *Hoover v Michigan Mutual Ins Co* (Docket No. 138018) is pending on appeal before this Court and that the decision in that case may resolve an issue raised in the present application for leave to appeal, we ORDER that the application be held in ABEYANCE pending the decision in that case. The July 1, 2009 order issued by the Court of Appeals is STAYED pending the completion of this appeal.

YOUNG, J., (*dissenting.*)

I would deny leave to appeal, for the reasons set forth in my dissenting statement in *Hoover v Michigan Mutual Ins Co*, \_\_\_ Mich \_\_\_ (2009) (SC 138018, lv gtd order entered September 25, 2009).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 26, 2009

*Corbin R. Davis*

Clerk